

April 24, 1975

SENATOR DeCAMP: Yes, I think it is...

PRESIDENT: All right. All right, announce the vote.

CLERK: Record vote read. See Page 1418, Journal.
27 ayes, 17 nays, 5 not voting, Mr. President.

PRESIDENT: Now, the bill passes and you are appealing
my ruling that the bill passes, Senator DeCamp.

SENATOR DeCAMP: Yes, Mr. President, I think...

PRESIDENT: Do you wish to be heard on the appeal?

SENATOR DeCAMP: Yes.

PRESIDENT: All right.

SENATOR DeCAMP: I have asked to know what the exception
is since you have said for some reason this requires only
25 but in other cases it requires 30 and this is an
exception but you have not recited for us any delineations
at all on the exception and it would seem impossible in
the future for us to know, you know, is it just rhyme,
guess work or what. On what basis are we going to know
whether it is 30 or 25 votes required. So all I am
requesting of the Chair is that some statement be made
as to what the exception is for guidance for the future.

PRESIDENT: Senator Chambers.

SENATOR CHAMBERS: Mr. Chairman, members of the Legislature,
and especially Senator DeCamp, I think, as you well know
where the law is concerned, an exception, when you have
an exceptional situation, every specific case would have
to be judged on its own merits to determine whether or
not it is exceptional, and since it is the Attorney
General's opinion, I think all the Chair can do is make
a ruling based on his understanding of that opinion.
Then if we disagree, then the appeal of his ruling is
made which you have made. I, for one, read the Attorney
General's opinion to allow anything a person wants. On
the one hand it says that if a program is new, then it
requires the constitutional number of votes. However,
whether it is new or not is left to the Legislature to
decide so however you read his decision, it is ultimately
saying that the Legislature can make any bill whichever
it wants it to be. So the only way to resolve this, I
think, rather than having the Lieutenant Governor explain
the Attorney General's opinion all over or read the whole
thing for us, if we disagree with his interpretation on
a specific bill, all I think we can do is appeal it which
is what you have done and I think the quickest way to
resolve this is to go ahead and vote.

PRESIDENT: Since the appellant has pleaded his appeal,
the Chair, then, can plead its position. We are dealing
again, and this has been discussed many, many times,
Senator DeCamp, and the Chair has issued a communication
to all members to try to outline the procedure that will
be followed and I have attempted to follow that. The
situation is this, Senator DeCamp, so that you will under-
stand. The Constitution very clearly says that all appro-
priation bills in excess of the Governor's budget shall